

REMARKS

In accordance with the foregoing, claims 1, 4 and 6 have been amended. Claims 1 through 6 are pending and under consideration.

Both claims 4 and 6 are rejected under 35 U.S.C. 112, first paragraph. The Examiner asserts that the specification does not contain support for "slit." To address this matter, "slit" has been changed to --slot--.

With regard to item 5 of the office action, the claims have been amended, substantially as suggested by the Examiner.

In item 7 of the office action, claims 1 through 6 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,316,165 to Moran Jr. in view of U.S. Patent No. 1,557,066 to Krantz. Moran Jr. teaches footlike slot 32 and matching projections 30. The enclosure is assembled by interlocking the matching projections 30 with the footlike slots 32. Both projections 30 and slots 32 are parts of flanges 22, 24, 26, 28, respectively of the sidewalls, 14, 16, 18 and 20. See Figs. 2 and 3.

Column 7, lines 39-58 of Moran Jr. describes assembly of the enclosure as follows:

Upon assembly, the foldable blank 10 (FIG. 3) forms five sides of an open-faced, box-shaped structure, with the open side having a flanged rim. This is shown in FIG. 13. The box is easily assembled by folding two opposite sidewalls 16 and 20 upward into a vertical position relative to the backplate. While maintaining the two sidewalls in this vertical position, flanges 24 and 28 are folded 90 degrees toward the inside of the enclosure. Adjacent sidewalls 14 and 18 are then folded upward into a vertical position relative to the backplate. The furrows and ridges on sidewalls 14 and 18 then interlock with the furrows and ridges in sidewalls 16 and 20. The footlike projections 30 on sidewalls 14 and 18 are then interlocked into the adjacent footlike slots 32 on sidewalls 16 and 20. This is accomplished with a natural motion as the flanges 22 and 26 are folded into place.

As shown in FIG. 13, the interlocking means comprising the footlike projection 30 which fit into the footlike slots 32 lie in a plane parallel to the backplate, as do the flanges.

The claims are certainly not restricted to what is shown in the drawings. However, an important difference between Moran Jr. and the present invention can be better understood by comparing Fig. 1 of the present application with Fig. 13 of Moran Jr. In Fig. 1 of the present application, angle extension 5 from rear wall 3 extends substantially parallel to base part 1. Side walls 2 do not have an angled extension similar to angular extension 5. To the contrary, in Fig. 13 of Moran Jr., all four walls have an extension which runs substantially parallel to the base. That is, each of Flanges 22, 24, 26 and 28 run substantially parallel to the base. Although the

claims are not restricted to a single angled portion, a single angled portion is possible because of the cut-outs. On the other hand, the Moran Jr. four flanges, which are all substantially parallel to a base, are possible because of the projections 30.

Independent claims 1 and 4 have been amended to recite that the cutouts are holes completely surrounded by sheet metal. Antecedent basis for this limitation can be found in figs. 1 and 2 of the application as filed. Moran Jr. does not have hook/shaped extensions which fit into a cut-out. Referring to Fig. 2 of the reference, perhaps the footlike slots 32 correspond with the claimed hook-shaped extensions. However, the footlike slots 32 do not fit within cut-outs, as claimed. To the contrary, the footlike slots 32 receive the matching projections 30. Moran Jr. does not disclose or suggest hook like extensions on an angled section of the rear wall which pass through cutouts completely surrounded by sheet metal.

It would not have been obvious to modify Moran Jr. to have cut-outs. Moran Jr. describes at column 7, lines 58 through 61 that the embodiment shown in Fig. 13, in which all four flanges run substantially parallel to the base, is important "so that water cannot enter at the joints of the interlocking means."

Furthermore, alternative embodiments of Moran indicate that the parts can be cemented together with glue. See column 5, lines 35 through 40. This is very different from the present invention, which may possibly provide a mechanical connection without additional measures.

The claims are directed to a sheet metal enclosure. Moran Jr. does not disclose an enclosure formed of sheet metal. Krantz is simply cited for the sheet metal material. However, Krantz does not compensate for the deficiencies discussed above with regard to Moran Jr.

Claims 1, 3 and 4 rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 4,197,980 to Johnson in view of Krantz. Johnson discloses a cardboard box with reinforced corners. Referring to column 3, lines 50 through 60, the reference states

The tuck flaps 19, 20 and 21 on the sides of the front locking panel 16 are bent backwards on their innermost score line 37. This backward folding permits folding the front locking panel 16 180°. inwardly along score lines 38 and 39 and readies tuck flap portions 20 and 21 for insertion into the tuck slots 22 in the side walls 11. The tuck flap portions 20 and 21 go through the slots 22 from inside to outside, are brought forward and the end tuck portion 21 is then bent 90°. and inserted into the space resulting between the short front flap 18 and the front locking panel 15 (FIG. 2).

In light of this disclosure, it is difficult to understand how the Examiner could believe Johnson discloses hook-shaped extensions that snap into cutouts. Johnson in no way discloses this feature. It appears the Examiner has misinterpreted the reference. Johnson does not suggest

hook-shaped extensions on an angled section of the rear wall, which pass into cutouts completely enclosed by sheet metal. Again, Krantz is cited for a deficiency in the material used in Johnson. However, Krantz does not compensate for the Johnson deficiency.

Claims 1 through 6 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 2,135,140 to Magers in view of Krantz. Magers teaches a box having cover portions which are frictionally locked to end walls. When closed, portions 23 bear on the bottom edge of a notch 18. The notch 18 is not enclosed by sheet metal. Therefore, Magers does not suggest hook-shaped extensions on an angle section of rear wall, which pass into cutouts completely enclosed by sheet metal. This is a structural difference, and Krantz does not solve this deficiency.

In view of the foregoing, it is submitted that the prior art rejections should be withdrawn. There being no further outstanding objections or rejections, it is submitted that the application is in condition. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

August 19 2005

By:

Mark J. Henry

Mark J. Henry
Registration No. 36,162

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501